

PLANNING BOARD MEETING

MARCH 18, 2019

7:30PM

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES FEBRUARY 25, 2019**
4. **38 COMMERCE DRIVE LLC**
108-1-12
DISCUSSION
5. **RIGHT CHOICE BUILDERS INC**
101-2-1.12
REVISED SITE PLAN
6. **CONTRACT PACKAGING SERVICES**
102-2-5.12
AMENDED SITE PLAN
7. **DISCUSSION – COMMERCIAL STORAGE**

THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR

MONDAY APRIL 15, 2019 AT 7:30PM

SUBMISSION DEADLINE FOR THE PLANNING BOARD MEETING IS

MONDAY APRIL 1, 2019

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
March 18, 2019

Chairwoman Escallier opened the Village of Harriman Regular Meeting of March 18, 2019 at 7:30pm.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: Chairwoman Irma Escallier, Board Members Martin Stanise, Ron Klare, Juan Quinones, Michael Zwarycz, Kevin Dowd, Attorney, John Russo, Engineer, John Hager, Building Inspector and Barbara Singer, Recording Secretary.

MOTION was made by Member Klare to accept the minutes of February 25, 2019

SECOND was made by Member Stanise.

AYE Member Escallier

Member Stanise

Member Klare

Member Quinones

Member Zwarycz

NAY: -0-

38 COMMERCE DRIVE LLC

108-1-12

DISCUSSION

There was nobody to discuss this project with the Board.

RIGHT CHOICE BUILDERS INC

101-2-1.-12

REVISED SITE PLAN

Present: David Niemotko, Architect

Mr. Niemotko: I received John's (Russo) comments earlier today and we forwarded a copy of the maintenance agreement to you. Do you have any comments?

Mr. Dowd: I only have one question, I know that John (Russo) has checked the metes and bounds and that everything is fine, and I realize now that there's an existing drainage easement already on your client's parcel. The easement is mostly on your property and it benefits the owner of the car wash.

Mr. Niemotko: Yes.

Mr. Dowd: This maintenance agreement basically says that each party shall maintain at their own cost the existing drainage pipe including the drainage pipe at their respective premises would include cleaning, repair and replacement. So, your client basically has the onus of everything. There is very little on the car wash's property that I can see, other than the drain.

Mr. Niemotko: I would agree.

Mr. Dowd: And that's what your client agreed to? If there is a blockage in the pipe, it will backup into the car wash, but your client would be responsible for maintaining that pipe, according to this agreement. If that's what

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your client agreed to, I have no problem with it. It's just a very unusual thing that you're taking the whole onus on your client.

Mr. Niemotko: Yes, this is what they agreed to. Obviously, I didn't write this, I'm passing it along.

Mr. Russo: You should honestly talk to your client again because the easement only benefits the neighboring parcel. All you're doing is shifting the easement and rerouting the drainage but if anything happens, pipes get blocked or whatever else, your client is the one that's going to be responsible to dig everything up and replace it, according to this agreement. It doesn't benefit your client at all.

Mr. Niemotko: I'm not an expert on this arena that's why we forwarded it on to the attorneys. Nothing has been executed. My recommendations to everyone was allowing me to submit this to the Board and to you (Kevin Dowd) for review. I asked them to wait before executing this so that I could get the comments back.

Mr. Dowd: If this is what your party has agreed to, I have no objection to it. I found it rather unusual that the benefit is to the car wash, they're benefitting by the drainage easement and your client is basically taking on all of the responsibility for the pipe. There's so little pipe on his property.

Mr. Niemotko: I will pass that along and our intent is to have it executed along with our final set for review because we're going to sign and seal the next set to finalize. The next comment on your letter regarding Orange County Sewer District. I talked to Bill Sherry, you received his e-mail, he technically approves it and I followed up with him.

Discussion regarding e-mails that were and were not received.

Mr. Niemotko: The e-mail that we forwarded from Bill Sherry said that he approved it technically. So, we called him up and followed up and asked him what that meant. What that meant is he just wanted the six sets of the complete project signed and sealed, delivered to him and it's our understanding that he will issue us a permit at that time and that permit would indicate approval.

Mr. Russo: That's some thing that we need. Something other than an e-mail.

Mr. Niemotko: Absolutely, as soon as we got that, we fully went ahead with it. It's our impression that at this final submission we will have that letter to submit with it.

Chairwoman Escallier: A permit isn't going to do it. We need something that says that they reviewed the project, and they have nothing outstanding with it and it's okay to go. Coming from their e-mail address, that would be satisfactory.

Mr. Niemotko: It will come from them. It will be coming from the Department of Environmental Facilities.

There was an e-mail that wasn't received by the Village of Harriman's professionals.

Mr. Niemotko: There was a March 11th e-mail from Bill Sherry.

Mr. Dowd: That's not part of this chain.

Mr. Niemotko: I can get a copy to include it with my submission. It says 6 hard copies of complete plan set, plan is technically approved. We did everything that he requested and apparently, we're going to get some document from him that is going to say that the project is approved. Whether that's a permit, piece of paper, every

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indication is that we will have that. The next item from the comment letter, has to do with the dumpster location, 566 contours.

Mr. Russo: It's almost going to be like a bubble on the pad, the 566, and there will be another contour that hooks around.

Mr. Niemotko: I was thinking of it in a different way. The 566 is level with the pad, it's the spot elevation of the pad and the drive is 566. The grade around it is 566 and 564. We have to do a foundation underneath this pad. Instead of grading around it, I would rather just drop the foundation down. We'll update the plans to show that. It's like a slab on grade construction. The slab on grade will be 566, we'll drop the foundation walls around it to meet grade.

Mr. Russo: You could solve this easier with some grading.

Discussion regarding grading ensues.

Mr. Niemotko: If you're happy with the 566 going around, we would be happy to bring that grade around rather than drop the foundation to meet that grade. We will revise that grade and bring the 566 and the 564 around.

Mr. Russo: Ok.

Mr. Niemotko: Item #5, was about the roof leaders. There were two roof leaders that we already relocated them. All we did was move them over and we're bringing them into the pipe. We will put a cleanout in the intersection. We sent the plans out to Sparaco to be updated today.

Mr. Russo: Make sure there's a cleanout and details for the cleanout. Because the cleanout is in the parking lot, put a valve box or something similar to it over them because I'm sure that you're going to have pvc riser pipes for the cleanout and cars are going to ride on that and crush them.

Mr. Niemotko: We're getting the signed sealed sets from Sparaco and then all of ours will be signed and sealed. The cleanout will be done and passed on.

Mr. Russo: The only other comment that I would like to make is that when they receive the Highway Work Permit from DOT, that also has to be submitted. That should go to John Hager and a copy should go to the Planning Board so that they have it in their files. You'll (John Hager) need that before you issue a Building Permit.

Mr. Hager: I would make that a condition on the Building Permit.

Mr. Niemotko: That would also be a condition on the Planning Board site plans. We will submit the 12 copies, signed and sealed, at our next submission, hopefully for final approval and sometime after that we will get started with the DOT permit.

Mr. Russo: I will need three final sets of the SWPP and one electronic copy.

Mr. Niemotko: No problem.

Mr. Russo: They will have to complete the NOI but they don't have to do that until such time that they are ready to begin. I'll need a copy of the MS4 and they'll need a copy of the MS4 acceptance form before they can even file the NOI.

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Chairperson Escallier: The only comment that I want to make is this Board in the Village of Harriman, is used to getting the approvals from the different agencies directly, either by e-mail, letter. If there is any way that you can make that happen, I would like that to happen because I don't want to change what's been happening all of these years. We get the letters from the agencies in response to sending it out to the agencies. Even the envelope is kept, proof positive that it's coming from the agency. I understand that you're paying for the services that you provide to you but I don't think it's that difficult to send you a copy and us a copy.

Mr. Niemotko: I want the Board to know that there's nothing that I'm doing to stop that. I believe the only agency that you're talking about is Orange County Sewer and that has been a process unto itself since September 2018. I have called, John (Russo) has called, Barbara (Singer) has called. I'm more than happy to share any documents that I've gotten from any agencies, including Orange County Sewer.

Chairperson: Very good, I'll expect to see them directly from the agencies.

CONTRACT PACKAGING SERVICES

102-2-5.12

AMENDED SITE PLAN

Chairwoman Escallier: This project is in two different jurisdictions, the Town of Monroe and the Village of Harriman

Present: John Furst, Esq., Catania, Mahon, Milligram & Rider PLLC
John Loch, Engineer, AFR Engineering

Mr. Loch: I think this is a much simpler application than we realized. Back in 2016 we were before this Board and we received an approval to build a loading dock facility which involved a number of openings in the building combined with bringing a small addition to the building so that we would have a certain amount of storage for facilities that are associated with loading. There were also a number of conditions regarding construction that had to be completed, open issues on the site. There's a couple of things that have occurred, (1) we never built the loading dock, the applicant did go to Monroe and asked to put an addition on the north portion of the building within Monroe and that is an ongoing action although it is very close to complete. The drainage facilities have been put in and I believe the other conditions that you required to finish up on this site, is the paving and that's been done. The only thing that we did not do is put up the loading dock. All the applicant wants to do now is instead of putting an extension coming out of the building where we were proposed to put the loading dock is simply put in loading dock doors and everything else will be in the interior. We don't need to expand the area, we don't need a roofed area. We are asking to build less.

Mr. Russo: So you never built the platform that you had proposed?

Mr. Loch: Correct. I'm not really aware of any outstanding issues in respect to the conditions that we had to meet in terms of paving other than finishing up some of the drainage structures. We are really just here seeking a revised approval so that we can put in some doors and have loading occurring at another portion of the building.

Mr. Russo: Basically, you're saying that all of the items that were previously requested on the plans have been completed with the exception of the loading doors?

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Mr. Loch: I believe so. I know that there were issues with things. For example, with the filter system and things. It was sent to your office for review of that. As far as I know we closed out on that.

Mr. Russo: On the previous plans, specifically 8C, it noted that the previous plans had six truck parking stalls. This plan now says nine.

Mr. Loch: We restriped things a little bit because we had spaces that our client felt they needed.

Mr. Russo: It was only approved for six. This plan doesn't even show me the designated stalls. That's one thing that I'm asking for is for you to show me where the truck stalls are but the last plan that had been approved had six. Your client may have restriped, but the Board only approved six.

Chairwoman Escallier: I remember what happened. In the course of the whole project, Mr. Furst came in and said that it was imperative that his client have nine loading docks, but Mr. Loch never continued our conversation and we started going over what was outstanding with the project and the whole ball was dropped. And at the end, there was no approval for it, it hadn't been discussed since the time when Mr. Furst had come in. When I got the final site plan it only had the six.

Mr. Furst: If we need to amend the application to add the extra three spots, I'll talk to the client.

Chairwoman Escallier: Shortly after that, I think within 10 days, the striping came on to the site showing nine, so it was clearly a misunderstanding somewhere. Maybe they thought that they had it approved.

Mr. Russo: Did you ever do elevation views the last time around?

Mr. Loch: I believe the architect that was working on it may have. It really wouldn't be the same view because we don't have the platform.

Mr. Russo: I think that the Board can get the idea seeing the other two, what it's going to look like for the third without the platform. If that's acceptable to the Board.

Mr. Loch: I was wondering if it would be acceptable to the Board basically if we brought in a picture of the existing loading dock that's immediately to the right of it. They're going to be the same type doors.

Chairwoman Escallier: I go there every day. I count all the trucks. Sometimes I'll take a picture. We're dealing with 15 to 17 trailers that are parked there on a daily basis.

Member Klare: They are parked on Bailey Farm Road too.

Mr. Russo: I have an aerial picture that shows 22 trailers on the site, this is from 2016. From what I've heard, sometimes it's even worse than that.

Chairwoman Escallier: It depends on the day. It's not flowing onto the street more than once a week.

Discussion regarding the number of trucks, queuing on the road, noise.

Mr. Russo: I have heard concerns regarding how much truck traffic there is on the lot and that raises the question with emergency services getting in there if there was an incident. Could you talk to your client about these things?

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Mr. Furst: It's an industrial zone, it is a warehouse, trucks are coming in and out. My question is with a health and safety standard is there clearance. I have to talk to my client and figure out if there's any other place on the site plan where they can move some of those trailers to cleanup some of the traffic and address your issue as far as access.

Chairwoman Escallier: Do you know how many, if any, trailers are disabled? If there are some sitting there disabled, that is something that can be managed. Or if they're sitting around for two or three days, that's something that I think can be managed. But there has to be a person in charge of that and I don't believe, from what I've seen, that there is a person in charge. I have seen empty tractor trailers just sitting there. Some are on the side where there is grass.

Mr. Furst: Some of the trucks sit there because they're waiting to load. Is there another location that you would like to see them, maybe behind the building? Is that the concern, the sight and the noise? So, they're out of the way?

Chairwoman Escallier: No, there's just too many of them to begin with. I understand that your client must have a booming business.

Mr. Russo: Is there a need to have that many trailers on the site at one given time? Are any of the trailers being used for storage?

Mr. Loch: I'm not aware of long-term storage occurring there.

Mr. Russo shows the aerial picture that he has, and they discuss the amount and locations of the tractor trailers.

Mr. Hager: It's my observation, the area that you're looking to add that door, there is at least one, maybe two trailers that seem like they never move. I don't know if they've become semi-permanent in their location.

Mr. Loch: I don't know, I will inquire.

Mr. Hager: Also, your plan shows five loading docks and another three and then you're adding one more? Making it nine total and you have nine spaces striped out, even though the plan shows six. So, I suggest that the plans be clarified that there are nine spaces against the building. There seems to be a little confusion when the site is approved for six trailers.

Mr. Russo: I'm asking for all truck stalls to be shown. I'm looking at the aerial and it's showing me one on either side of the compacter unit also, there isn't supposed to be any parking over there. It's not designated as trailer parking, yet there are trailers parked there.

Member Zwarycz: There are trailers parked in spaces designated for cars. They're blocking where the fence had fallen down on Bailey Farm Road. There's one that's been there for a really long time. It's a mess. The only reason I see that empty trailer sitting there is to make a new fence but that's just speculation on my part.

Mr. Dowd: Maybe your client needs to reschedule when these trailers arrive and when they're taken out of there because it doesn't appear that your client has much regard for what was approved by this Board in 2016. They didn't build the loading docks, they added three extra parking spaces, that they had no right to do. Now you want more loading areas, but you have twenty-two tractor trailers all over the place. That's not what was represented to this Board, I don't believe as to the truck traffic and how it was going to work on this site.

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Member Zwarycz: I don't remember what the verbiage was of the amount of trucks that was approved of traffic in and out, six per day or fifteen per week, I don't remember the number but sometimes it's fifteen a day. That's not an exaggeration. That exceeds whatever was approved in the past.

Mr. Furst: There's a restriction on the number of trucks that can go in and out of the site?

Member Zwarycz: I believe that was part of the approved site plan.

Chairwoman Escallier: It would be okay if they kept moving them out but that's not happening. It's a management issue that they stay there and for one or two days. Or maybe they're disabled. There should be a flow going in and out but there's no constant flow and then it gets stagnated.

Mr. Russo: Back in 2012, Mr. Moynihan, in a letter to the Board, noted that the client would typically accommodate between five and twelve trucks per day.

Member Zwarycz: Maybe that was when they were running one shift, now they're running three shifts, six days per week. Trucks are coming in all night long. I leave for work at 5am and there are trucks idling around, daily. Does a traffic study have to be done? Is this a seasonal thing?

Mr. Furst: I sent your comment letter on to my client this afternoon. I hear your concerns regarding traffic, truck locations, what's going on with the trucks and we will relay that back to the client. Obviously, that needs to be resolved if they're going to move forward.

Member Quinones: Do you know what type of machinery they run at night because I hear some really loud noise coming out of that site, especially around 2-3am?

Mr. Furst: I really don't know. Either the compactor or the refrigeration?

Mr. Russo: The compactor is only supposed to run at certain hours, certain days.

Member Quinones: I live not too far from there and we hear noises pretty much all night, 2 - 3 am. Even my neighbor, we talked about it, hears it as well. I don't know what type of machinery they're running at night. It's pretty constant, loud knocking noises, I don't know what kind of machinery it is.

Mr. Russo: Maybe they need to put some noise baffles up in the interior.

Mr. Furst: I'll send this to the client, and we'll try to put together a formulated plan.

Member Zwarycz: One more big problem, is the changeover from the day shift to the night shift. The parking lot is full of vehicles from all the employees that are working on the day shift, they work until 5pm. In the meantime, the people that start at 5pm are now parking sporadically across the site, whoever they can find a spot. So when everyone leaves at 5pm, the parking lot is empty but there's cars scattered in illegal spot all over the site. For a short time, they were stacking the cars like they do when you pay to park in the city, in the area where they're proposing to add the bay doors. That's how they solved that problem, they were blocking themselves in to make room during that transition period. I don't know how many total parking spots there should be for the number of employees in that place. It's already not enough.

Mr. Dowd: What is the application that you have before the Town of Monroe?

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Mr. Furst: We do not have an application for Monroe.

Mr. Dowd: I thought that you said you were before the Town of Monroe for something.

Mr. Furst: We expanded the building in the Town of Monroe by obtaining a building permit.

Mr. Russo: Did you expand parking?

Mr. Dowd: You expanded the building without going before the Planning Board?

Mr. Furst: Correct.

Mr. Loch: There's a percentage in the Code that allows you to expand a certain amount without Planning Board approval.

Mr. Russo: You're going to have to look at vehicle parking and see if you're compliant with that. With the expansion of the building, the square footage went up, it's going to require more parking.

Member Zwarycz: For the record, they do a good job, I would say six vans leave per day at 5pm full of 15-18 people. There's got to be 200-300 people that work the day shift.

Mr. Furst: In your Code, when they do the parking calculations, is it based upon the size of the building, number of employees, what's the trigger mechanism?

Mr. Dowd: It could be a combination of both.

Mr. Russo: Two per three employees of the two largest excessive shifts. One per employee, one additional space for each 100 square feet of floor area. I'm sure with the addition, regardless of square footage, they brought more employees on.

Mr. Loch: The addition is not in service yet. Nobody's going to be in, it's all warehousing.

Mr. Furst: We'll look at that issue and with the Building Inspector in Monroe also. My clients purchased the building about a year, two years ago. Are there any other comments or concerns other than the trucks, parking, noise?

Mr. Hager: The original plan wasn't 100% completed. The paving was completed, the drain structure was completed. The grading and topsoil weren't complete because at the time the County was supposed to do this walkway extension to get to the rail trail, so it made sense for the applicant to wait on the topsoil because the County was going to be disturbing it anyway to put up a fence. To my knowledge the top soiling has never been finished being graded. The County has decided not to do it.

Mr. Russo: I think the County is going to rehab the old bridge and use that.

Mr. Hager: The platform, they never applied for a building permit and your approval expired according to the notes on this. The paving was done, the drainage structure was installed, the materials and bollards were

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installed. The final grading and top soil and seeding at the edge of the parking and the riverbank never got completed.

Mr. Furst: Thank you for your comments, I will take them back to my client and we will figure this out.

DISCUSSION – COMMERCIAL STORAGE

Discussion regarding the size of the building for commercial storage versus using the setbacks of the lot in the particular zone and the lot coverage already in the Code.

Discussion continued regarding the addition to Contract Packaging Services, impact to Harriman with the potential increase of the parking necessary.

Discussion regarding the various approvals from outside agencies and how these approvals are submitted to the Planning Board, either directly or through the applicant and what policies the Board wants to adopt for future applicants.

Mr. Hager: Kevin (Dowd), before you draw up a resolution for this Right Choice project, I feel that one of the conditions that should be included is that we should get as built drawing and I think that we need to figure out how much of this site work might need to be inspected by consultant engineers and how much needs to be collected.

Mr. Russo: I think there's a percentage in the Code that states how much of an inspection escrow needs to be collected. They're going to have the state DOT inspecting when they do the entrance way.

Mr. Hager: The final plan ends up with the signage restricting the trucks to 30' and the "No parking" signs on the roadway, both sides.

Mr. Russo: The signs are noted on the plans already to be installed at the entranceway that the maximum size vehicle. I'll take a look and if it's not there I'll send an e-mail to David (Niemojko) and cc you (John Hager).

MOTION was made by Member Stanise to amend the Planning Board application.

SECOND was made by Member Klare.

AYE Member Escallier

NAY: -0-

Member Stanise

Member Klare

Member Quinones

Member Zwarycz

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MOTION was made by Member Stanise to close the Planning Board meeting of March 18, 2019 at 8:50pm.

SECOND was made by Member Klare.

AYE Member Escallier

NAY: -0-

Member Stanise

Member Klare

Member Quinones

Member Zwarycz

Respectfully Submitted: _____
Barbara Singer, Recording Secretary